

ASSEMBLY BILL

No. 2208

Introduced by Assembly Member Santiago

February 18, 2016

An act to add Sections 15810 and 25351.7 to the Government Code, relating to public buildings, and making an appropriation therefore.

LEGISLATIVE COUNSEL'S DIGEST

AB 2208, as introduced, Santiago. Public building construction and seismic retrofit: additional affordable housing structures or levels.

Existing law establishes the powers of the State Public Works Board, for the purposes of the State Building Construction Act of 1955, including the authority to construct public buildings, as defined. Existing law requires all moneys received by the board from whatever source derived, to be deposited in the State Treasury to the credit of the Public Buildings Construction Fund, which is continuously appropriated to the board for specific purposes.

This bill would require, before constructing, including seismic retrofitting, a public building with state funds, the board to sell the air rights above the public building to a private or nonprofit developer to construct affordable housing above the public building. The bill would also require the public works contract to construct the public building to include provisions that require the building to be constructed or retrofitted to accommodate additional structures or levels that may be added by a private or nonprofit developer to provide affordable housing. By increasing the amount of funds deposited into a continuously appropriated fund, this bill would make an appropriation.

Existing law authorizes the board of supervisors of a county to construct, expand, lease, build, rebuild, furnish, refurnish, or repair

various public buildings, including a hospital, courthouse, jail, historical museum, aquarium, library, art gallery, art institute, exposition building for exhibiting and advertising farming, mining, manufacturing, livestock raising, and other resources of the county, stadium, coliseum, sports arena, or sports pavilion or other building for holding sports events, exhibitions, and other public meetings. Existing law authorizes a county or city and county to enter into leases and agreements relating to real property and buildings to be used jointly by the county or city and county and any private person, firm, or corporation.

This bill would require, before constructing, including seismic retrofitting, a public building with state funds, the board of supervisors to sell the air rights above the public building to a private or nonprofit developer to construct affordable housing above the public building. The bill would also require the public works contract to construct the public building to include provisions that require the building to be constructed or retrofitted to accommodate additional structures or levels that may be added by a private or nonprofit developer to provide affordable housing.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 15810 is added to the Government Code,
- 2 to read:
- 3 15810. (a) Notwithstanding any law before constructing, which
- 4 includes seismic retrofitting, a public building with state funds,
- 5 the board shall sell the air rights above the public building to a
- 6 private or nonprofit developer to construct affordable housing
- 7 above the public building.
- 8 (b) Notwithstanding any law, when state funds are used to
- 9 construct, including seismically retrofit, a public building, the
- 10 public works contract shall include provisions that require the

1 building to be constructed or retrofitted to accommodate additional
2 structures or levels that may be added by a private or nonprofit
3 developer to provide affordable housing.

4 SEC. 2. Section 25351.7 is added to the Government Code, to
5 read:

6 25351.7. (a) Notwithstanding any law before constructing,
7 which includes seismic retrofitting, a public building with state
8 funds, the board of supervisors shall sell the air rights above the
9 public building to a private or nonprofit developer to construct
10 affordable housing above the public building.

11 (b) Notwithstanding any law, when state funds are used to
12 construct, including seismically retrofit, a public building, the
13 public works contract shall include provisions that require the
14 building to be constructed or retrofitted to accommodate additional
15 structures or levels that may be added by a private or nonprofit
16 developer to provide affordable housing.

17 SEC. 3. If the Commission on State Mandates determines that
18 this act contains costs mandated by the state, reimbursement to
19 local agencies and school districts for those costs shall be made
20 pursuant to Part 7 (commencing with Section 17500) of Division
21 4 of Title 2 of the Government Code.